

**REMARKS**

Claims 1, 2, 26-29, 55-56, 87-88, 90-91, 93-94 and 105-106 were previously pending in this application. By this amendment, Applicant is canceling these claims without prejudice or disclaimer. New claims 116-133 have been added. As a result claims 116-133 are pending for examination with claims 116 being an independent claim.

Support for the new claims can be found throughout the specification and claims as originally filed. Specific support for specific claim can be found in at least the following passages of the specification. For claim 116, support is found at page 16, line 16 (testing of a compound). For claim 117, support is found at page 5, lines 30-33. For claims 118 and 120, support is found in the general disclosure of the specification and claims. For claim 119, support is found at page 8, lines 28-30 and in original claim 21. For claim 121, support is found at page 6, lines 5-8. For claim 122, support is found at page 7, lines 28-33 and original claims 25, 54, 68, 70 and 81. For claims 123-125, support is found at page 7, lines 14-18 and original claims 2-4, 27-29, 56-58. For claim 126, support is found at page 13, lines 9-12. For claim 127, support is found at page 14, lines 8-10. For claim 128, support is found at page 14, lines 13-16. for claims 129-133, support is found in original claim 1. No new matter has been added.

**Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-2, 26-29, 55-56, 87-88, 90-91, 93-94 and 105-106 under 35 U.S.C. § 102(b) as being anticipated by Gottlieb et al (Genetics 137: 107-120, 1994).

Applicant has canceled the rejected claims, rendering the rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 112****First Paragraph – Written Description**

The Examiner rejected claims 1-2, 26-29, 55-56, 87-88, 90-91, 93-94 and 105-106 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the

specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner indicated that the specification contained a description of the claimed invention for *C. elegans*, but not for other nematodes.

Applicant has canceled the rejected claims, rendering the rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant notes that the new claims now pending are limited to methods for testing the influence of a compound on a nematode, in which said nematode is *C. elegans*. Accordingly, the new claims should not be subject to the written description rejection made in the Office Action of January 15, 2003.

#### First Paragraph – Enablement

The Examiner rejected claims 1-2, 26-29, 55-56, 87-88, 90-91, 93-94 and 105-106 under 35 U.S.C. §112, first paragraph, as not enabled by the specification. Specifically, the Examiner indicated that the specification enabled the claimed invention for *C. elegans*, but not for other nematodes.

Applicant has canceled the rejected claims, rendering the rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

In addition, Applicant notes that the new claims now pending are limited to methods for testing the influence of a compound on a nematode, in which said nematode is *C. elegans*. Accordingly, the new claims should not be subject to the enablement rejection made in the Office Action of January 15, 2003.

#### Second Paragraph -- Indefiniteness

The Examiner also rejected claims 87-88 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has canceled claim 87, rendering the rejection moot. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
***Titus Kaletta, et al., Applicant***



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Docket No.: D00590.70019.US  
Date: July 15, 2003  
**x07/15/03**